

ANITA P. ARRIOLA, ESQ.  
JOAQUIN C. ARRIOLA, JR., ESQ.  
ARRIOLA, COWAN & ARRIOLA  
259 MARTYR STREET, SUITE 201  
HAGATNA, GUAM 96910  
Telephone: (671) 477-9731/33  
Telecopier: (671) 477-9734

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MARY L. M. MORAN  
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Counsel for Plaintiff  
LOUIS VUITTON MALLETIER

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UNITED STATES DISTRICT COURT OF GUAM

03-00001

ARRIOLA, COWAN & ARRIOLA, HAGATNA, GUAM 96910

LOUIS VUITTON MALLETIER,	) CIVIL CASE NO. _____
Plaintiff,	) DECLARATION OF HYON JUNG KIM
vs.	) aka ANGIE KIM IN SUPPORT OF
JENNY DOE aka JENNY SALGADO, and DOES I THROUGH XX.	) PLAINTIFF'S VERIFIED COMPLAINT
Defendants.	) AND PLAINTIFFS' MOTION FOR
	) TEMPORARY RESTRAINING ORDER,
	) SEIZURE ORDER, ORDER TO SHOW
	) CAUSE FOR PRELIMINARY
	) INJUNCTION, ORDER SEALING FILE
	) AND ORDER ACCELERATING
	DISCOVERY

I, HYON JUNG KIM, being duly sworn, declare and state as follows:

1. I am a resident of Tamuning, Guam. I am a store manager of Louis Vuitton located at Tumon Sands Plaza. I file this Declaration in support of Plaintiff's Verified Complaint and Plaintiff's Motion for Temporary Restraining Order, Seizure Order, Order to Show Cause for Preliminary Injunction, Order Sealing File and Order Accelerating Discovery. I have personal knowledge of the facts contained herein. If called as a witness I could testify as to the facts contained herein.

ORIGINAL

2. LOUIS VUITTON has been a master trunk maker in Paris since 1854. It is a prestigious firm whose products have always been acknowledged as the "epitome of refinement." The products of LOUIS VUITTON are renowned for their unique craftsmanship and the highest standards of quality.

3. I have worked for LOUIS VUITTON for over five years. Since entering the company until the present, I have been trained to identify LOUIS VUITTON products bearing LOUIS VUITTON's trademarks and logos. I have received extensive training in the identification of LOUIS VUITTON and counterfeit LOUIS VUITTON merchandise, including seminars.

4. During my employment at LOUIS VUITTON, I have therefore come to be very familiar with the design of the products of the LOUIS VUITTON line including without limitation, LOUIS VUITTON bags, wallets, briefcases, keycases, belts, and leather and leather-trimmed accessories. I am also very familiar with the LOUIS VUITTON trademarks, which have become widely known and recognized throughout the world.

5. On January 6, 2003, I went to the law office of Arriola, Cowan & Arriola and met with Anita P. Arriola. She showed me several items bearing the LOUIS VUITTON logo or design. I examined each of them thoroughly. All of the items bearing the LOUIS VUITTON name or trademark which I examined appeared to be counterfeit products not manufactured on behalf of LOUIS VUITTON. A true and correct copy of a photograph of the items I examined is attached hereto as Exhibit 1.

6. I examined two counterfeit wallets with snap closures. The style of these wallets is not in the genuine LOUIS VUITTON collection. The feel of the counterfeit wallets is also quite different. The cross-grain leather in the interior of the wallet is not correct, the grain is too big, it

is too shiny, and the LOUIS VUITTON motif in the interior lining is not used in the genuine product. The construction of the wallet is very poor quality. There is excessive glue, and the stitching is not very well done. The credit card slots are not varnished. The "Louis Vuitton Paris Made in France" words (or size of the font) are too big and the ink is blotchy. The felt bag covering the counterfeit wallets have a flap, which the genuine bags do not have and the monogram line of wallets do not come with a felt bag. Also, the construction of the felt bags is very poor. The box in which the counterfeit items is stored is similar to the genuine boxes we use but the color of the box is too light and the placement of the wording is not correct, it is too far up in the box. The Epi grain on the box is not prominent enough, it is a very light grain stamping. The interior of the box is in an incorrect color; the genuine boxes are of a consistent color throughout. Each of the genuine boxes has an inventory number, which tells you the size of the box; the counterfeit box does not have any number. True and correct copies of the photographs of these counterfeit wallets are attached hereto as Exhibits 2 and 3.

7. I next examined a zipper-style wallet, which is also not in the genuine LOUIS VUITTON collection. The color of the canvas is not correct. The monogram logo on this wallet is wrong; you can see stripes on the motif, which you should not see on the genuine item. LOUIS VUITTON does not use zipper pulls in the interior of the wallet as it appears in the counterfeit item. The cross-grain leather in the interior of the wallet is not correct, the grain is too big, it is too shiny, and the LOUIS VUITTON motif in the interior lining is not used in the genuine product. The construction of the wallet is very poor quality. There is excessive glue, and the stitching is not very well done. The credit card slots are not varnished. The "Louis Vuitton Paris Made in France" words (or size of the font) are too big and the ink is blotchy. The felt bag covering the counterfeit wallets

have a flap, which the genuine bags do not have and the monogram line of wallets do not come with a felt bag. Also, the construction of the felt bags is very poor. The box in which the counterfeit items is stored is similar to the genuine boxes we use but the color of the box is too light and the placement of the wording is not correct, it is too far up in the box. Also the counterfeit box for the wallet is not made in the size that appears for the counterfeit wallet. The ink for the color of the box is incorrect. There is also a plastic bag inside the box; LOUIS VUITTON does not wrap its wallets in plastic bags. A true and correct copy of the photograph of the counterfeit zipper-style wallet is attached hereto as Exhibit 4.

8. I inspected a counterfeit billfold wallet, which is not in the genuine LOUIS VUITTON collection. The cross-grain leather in the interior of the wallet is not correct, the grain is too big, it is too shiny, and the LOUIS VUITTON motif in the interior lining is not used in the genuine product. In addition, the color of the thread used in the wallet is wrong. The construction of the wallet is very poor quality. There is excessive glue, and the stitching is not very well done. The "Louis Vuitton Paris Made in France" words (or size of the font) are too big and the ink is blotchy. The felt bag covering the counterfeit wallets have a flap, which the genuine bags do not have and the monogram line of wallets do not come with a felt bag. Also, the construction of the felt bags is very poor. The box in which the counterfeit items is stored is similar to the genuine boxes we use but the color of the box is too light and the placement of the wording is not correct, it is too far up in the box. The material and color for the outer felt bag used to cover the bag are incorrect. The felt bag is very discrete, it has only an LOUIS VUITTON logo, centered in the middle of the large felt bag. A true and correct copy of the photograph of the billfold-style wallet is attached hereto as Exhibit 5.

9. I then examined a large counterfeit bag with an "O"ring clutch, which is not in the genuine LOUIS VUITTON collection. The screen printing of the LOUIS VUITTON motif is incorrect because you can see lines going through the motif. The leather used on the bag is too dark and is scratch-resistant. On the genuine product we use natural cowhide leather which is not scratch-resistant. The color of the thread is incorrect. The interior lining is not used in the genuine product. The wording in the interior stamp "Louis Vuitton Paris Made in France" is too big. Overall, the quality of the bag is poor. The rivets on the bottom of the bag are not used in the genuine LOUIS VUITTON bags. There is excessive varnish on the handle of the bag. There is a plastic tag on the bag which is not used in the genuine product. The material and color for the outer felt bag used to cover the bag are incorrect. The felt bag is very discrete, it has only an LOUIS VUITTON logo, centered in the middle of the large felt bag. A true and correct copy of the photograph of the handbag is attached hereto as Exhibit 6.

10. I also examined a small counterfeit handbag with a strap. LOUIS VUITTON has a similar bag in its collection called the "Trotteur." A true and correct copy of the photograph of the "Trotteur" from the LOUIS VUITTON catalogue is attached hereto as Exhibit 7. The dimensions of the counterfeit bag are wrong. The canvas is incorrect, you can see the stripes on the logo. The color of the thread is incorrect and the stitching is not consistent or even, it has different sized stitching in various parts. The leather used on the bag is too dark and is scratch-resistant. On the genuine product we use natural cowhide leather which is not scratch-resistant. The metal buckle used on the strap handle is incorrect; the length of the strap is incorrect. The interior lining is incorrect; the interior lining of the genuine product is called "sari" brown lining. The counterfeit item has a cell-phone holder while the genuine item does not. The fabric of the interior is incorrect.

The way that the zipper is constructed in the interior of the bag is incorrect. The trademark in the interior of the bag is incorrect, LOUIS VUITTON does not have the interlocking "LOUIS VUITTON" in the interior of the bag. The rivets are incorrect on the bottom of the bag. The plastic and leather tags on the bag are not used on the genuine product. Also, there is a white price tag attached, which is not the same as the one attached to a genuine LOUIS VUITTON bag. A true and correct copy of the photograph of the handbag is attached hereto as Exhibit 8.

11. I then inspected a counterfeit handbag, which does not exist in the genuine LOUIS VUITTON collection. The LOUIS VUITTON motif has stripes going through it. The handle with the zigzag stitching does not appear in the genuine product. When you turn over the handle, you can see that there are different LOUIS VUITTON motifs that are sewn together, which is not done in the genuine product. The interior of the bag with the textile lining is incorrect; the textile lining is not used with the LOUIS VUITTON logo on it. The zippers are the wrong color and type. The leather pieces used in the interior of the bag to attach pockets in a bag are not used. With monogram canvas, the genuine product always uses gold, not silver pieces, as they are used in the counterfeit item. The color of the thread is not correct. The canvas is very stiff, unlike the genuine product. A true and correct copy of the photograph of the handbag is attached hereto as Exhibit 9.

12. I inspected a counterfeit backpack-style bag. LOUIS VUITTON has a similar backpack-style bag in its collection called the "Ellipse-sac-a-dos." A true and correct copy of a photograph of the backpack from the LOUIS VUITTON catalogue is attached hereto as Exhibit 10. The dimensions (shape and size) of the bag are incorrect, the shape of the hardware is incorrect. The genuine item is smaller and has natural cowhide piping, and the bag is shaped like a turtle shell design. The color of the thread and stitching is incorrect. In the genuine product, the gusset part of

the bag does not have natural cowhide, it is made of canvas. The interior of the bag is completely wrong; the genuine product has "sari" brown lining and it does not have a gusset compartment. The only compartment in the genuine bag is a zipper compartment attached to the back of the backpack. There is no cellphone holder in the genuine item, as there is in the counterfeit product. The genuine product has one zipper in the entire bag; the counterfeit product has four zipper compartments. The metal hardware for the straps is incorrect. The plastic and paper tags are incorrect. A true and correct copy of the photograph of the counterfeit backpack bag is attached hereto as Exhibit 11.

13. Finally, I examined a large counterfeit bag. LOUIS VUITTON has a similar type of bag in its collection the "Musette tango long." (It is a new style that does not yet appear in the LOUIS VUITTON catalogue). The size of the counterfeit item is incorrect, the genuine version is smaller. The canvas on the bag is incorrect; for example, the star motif is not consistent in terms of the way it is printed. The motif has been screen-printed onto the canvas after the canvas has been grain-stamped; on true LOUIS VUITTON products, it is screen-printed first and then grain-stamped. The thread is an incorrect color. The flap of the bag is too stiff, as if it has a cardboard lining inside. The interior lining of the bag is incorrect; the genuine product has a "sari" brown lining. The color of the motif is wrong, it is too yellow. The hardware used on the strap is incorrect; the color of the varnish is incorrect; the number of holes on the strap is incorrect and the true LOUIS VUITTON product does not have pointed ends on the strap, as the counterfeit item does. The alignment of the motif where the two ends of bag meet at the bottom of the bag is incorrect. In the genuine product, we use one continuous piece of canvas, unlike the counterfeit one. The genuine product does not have a zipper compartment on the exterior of the bag, as the counterfeit one does. The quality of the strap is scratch-resistant on the counterfeit product, unlike the natural cowhide used in the genuine

product. Also, the plastic used to cover the strap is more supple in the genuine product. A true and correct copy of the photograph of the handbag is attached hereto as Exhibit 12.

14. All of the items I examined at the law office of Arriola, Cowan & Arriola prominently display counterfeit copies of the LOUIS VUITTON name, trademark and logo. The trademarks are identical or substantially similar to those used on genuine LOUIS VUITTON products. However, the quality of these counterfeit products is inferior to the quality of genuine LOUIS VUITTON goods. Defendant is not an authorized seller or distributor of LOUIS VUITTON products.

15. LOUIS VUITTON vigorously pursues counterfeit goods as soon as it discovers them and has instituted suit where necessary to bring a prompt end to these unlawful and deceptive practices. The unauthorized manufacture, distribution, exportation, importation, and sale of counterfeit LOUIS VUITTON merchandise causes confusion and deceives the consuming public as to the true source of such merchandise. Because the counterfeit items bear copies of LOUIS VUITTON's name, logo and trademark, I believe that customers would purchase the items in the belief that they are genuine products of LOUIS VUITTON, which they are not.

16. Defendant's actions will cause substantial and irreparable damage and injury to LOUIS VUITTON and, in particular, to the valuable goodwill and reputation symbolized by the LOUIS VUITTON trademarks. Unless the court enjoins defendant, she will continue to cause LOUIS VUITTON substantial and irreparable damage and injury. Further, defendant's manufacture, distribution, exportation, importation and sale of counterfeit or infringing LOUIS VUITTON merchandise will cause substantial injury to LOUIS VUITTON's reputation and cause substantial sales of LOUIS VUITTON's authentic products to be lost or diverted to defendants, in an amount impossible to calculate with any certainty at the present time.

17. Based on my training and experience, I am aware that it is a common practice of individuals and businesses involved in the trafficking of counterfeit merchandise to maintain and keep the following types of documentary evidence and other items in their place of business:

- A) Books, records, receipts, notes, ledgers, correspondence and other papers related to the importation and trafficking of goods containing counterfeit marks.
- B) Records, books, and papers reflecting names, addresses, telephone numbers, and other contact and identification data relating to the importation of and trafficking in goods containing counterfeit marks, including records such as telephone and address listings of suppliers and customers.
- C) Cash and currency that can be directly traced as proceeds of the sale of items containing counterfeit marks.
- D) Records relating to or reflecting income, expenditures, and wealth obtained through trafficking in goods containing counterfeit marks, including without limitation, money orders, wire transfers, cashier's check receipts, bank statements, passbooks, checkbooks, and check registers.
- E) Items of personal property or documents which tend to identify the person(s) using, occupying, controlling, or owning the premises, including but not limited to opened mail, leases, rental agreements, photographs, telephone books, diaries, utility and telephone bills, statements, identification documents, and keys.

18. All of the foregoing documents are necessary, important, and material in determining the extent of the defendants' sales of counterfeit LOUIS VUITTON products, as well as in determining the suppliers, manufacturers, exporters, importers and other retailers of counterfeit

LOUIS VUITTON products.

I declare under penalty of perjury under the laws of the United States and the laws of Guam that the foregoing is true and correct.

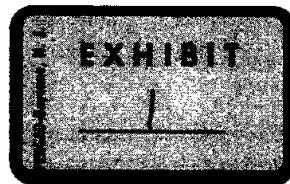
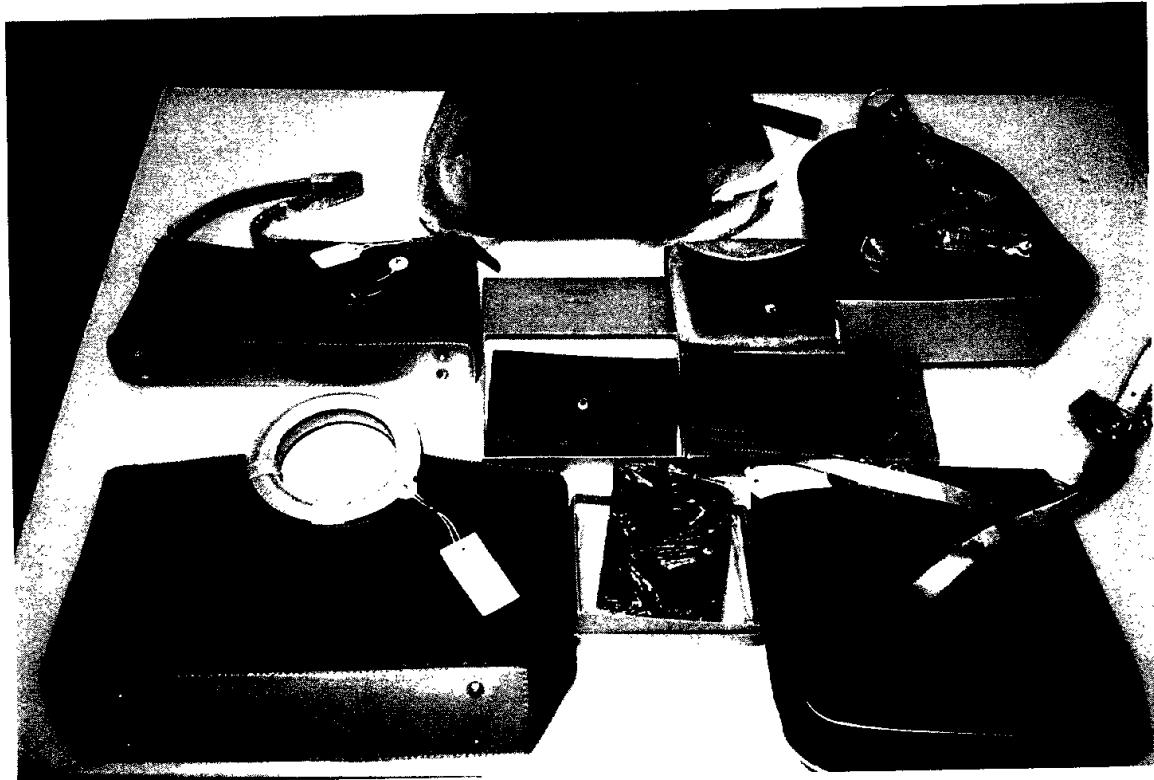
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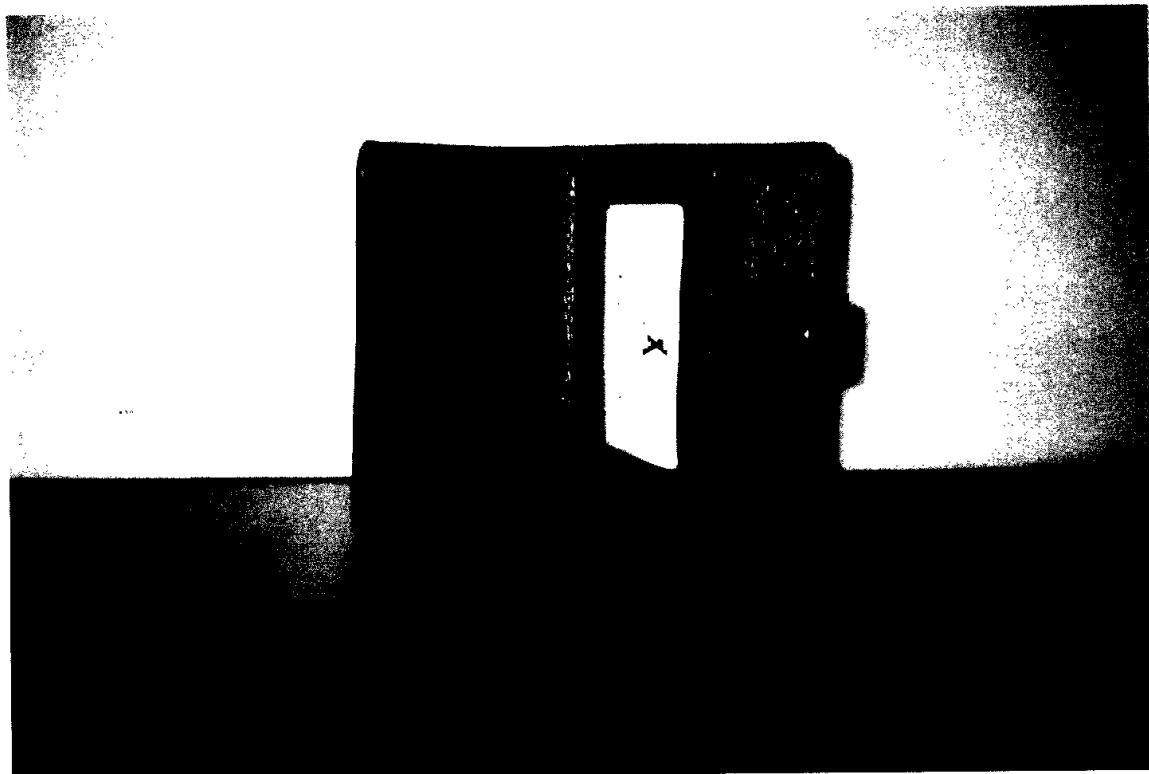
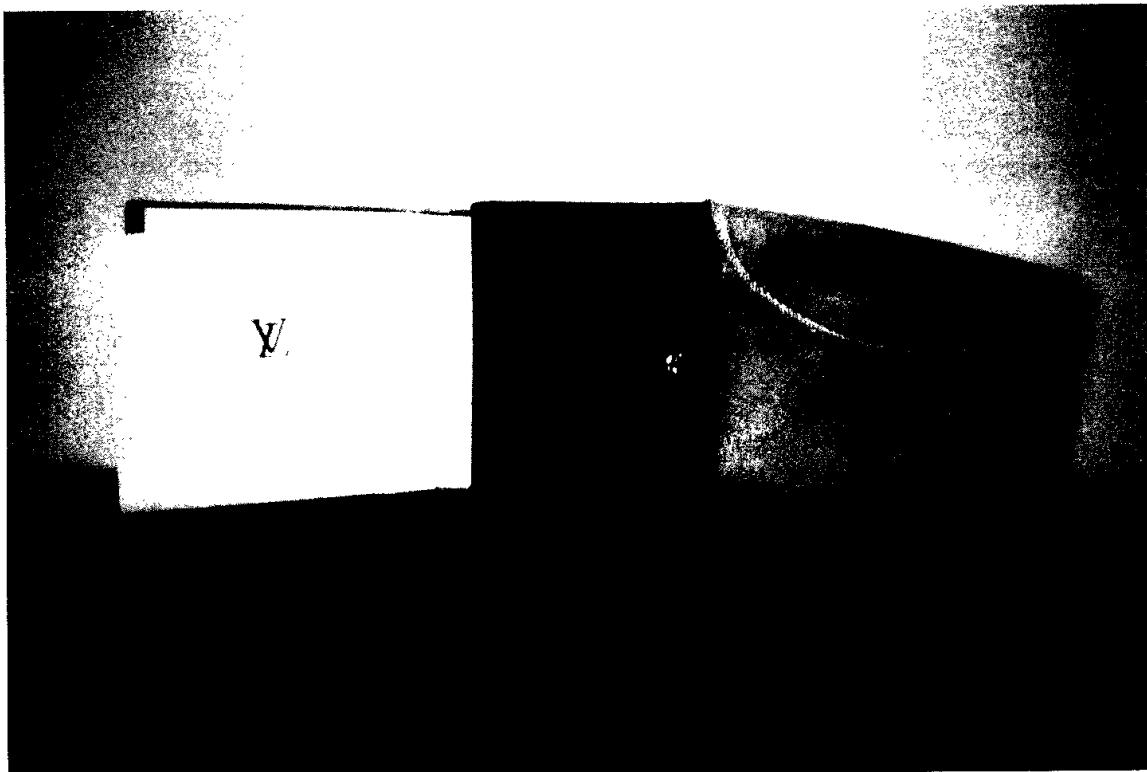


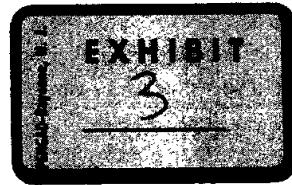
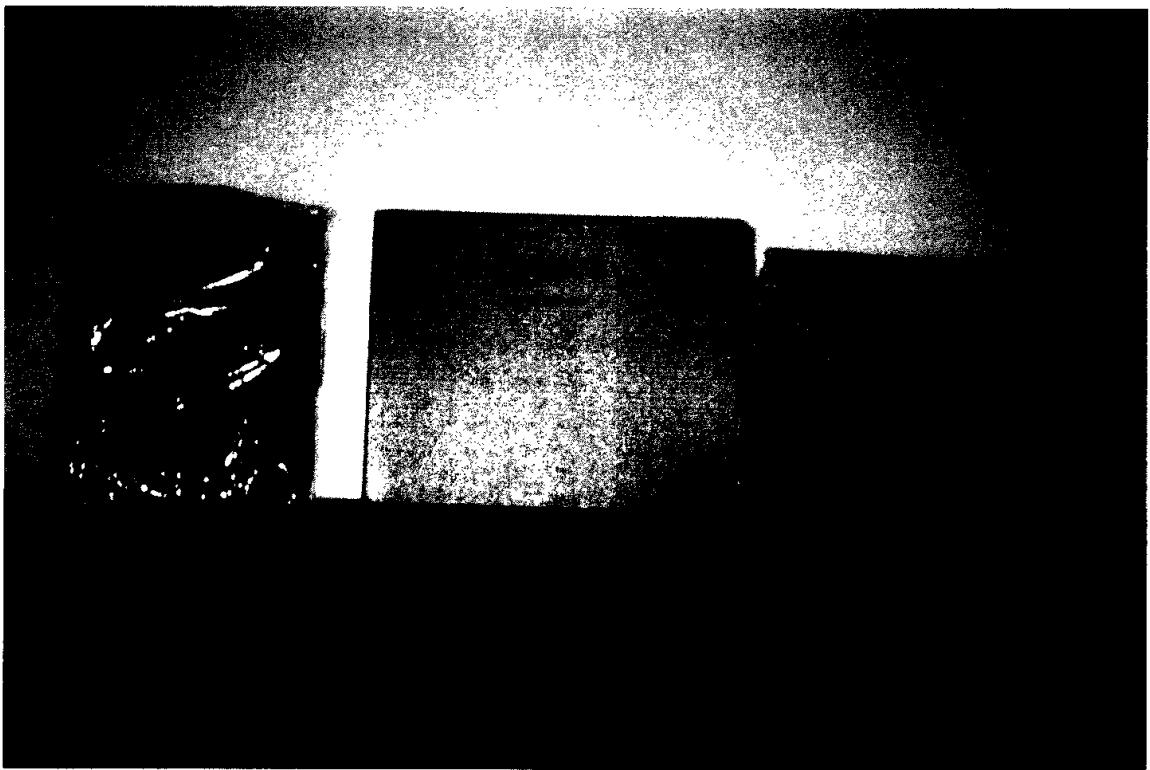
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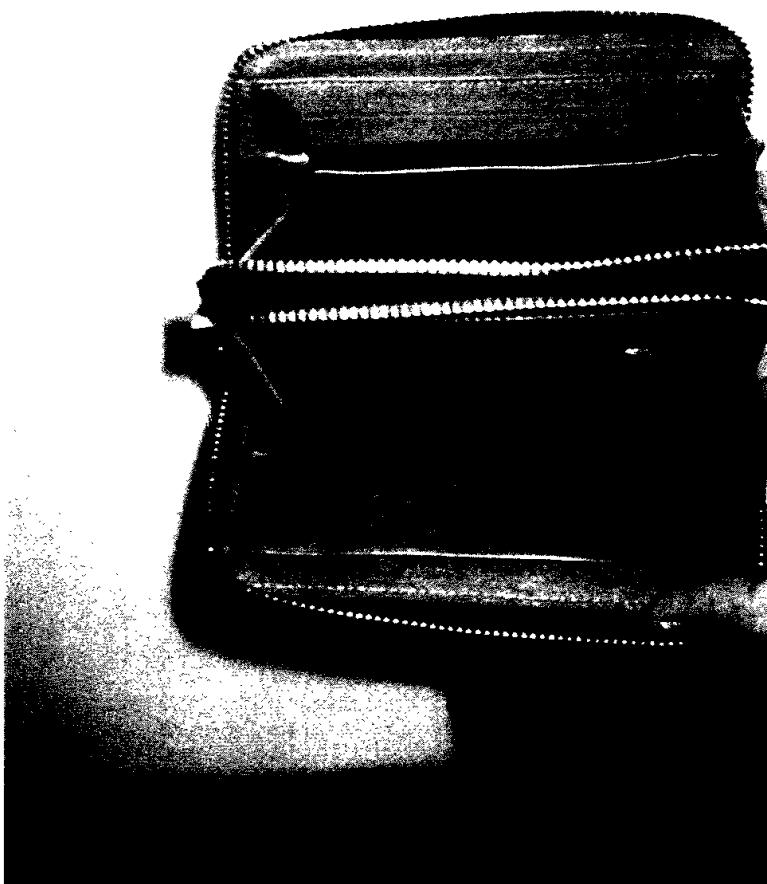
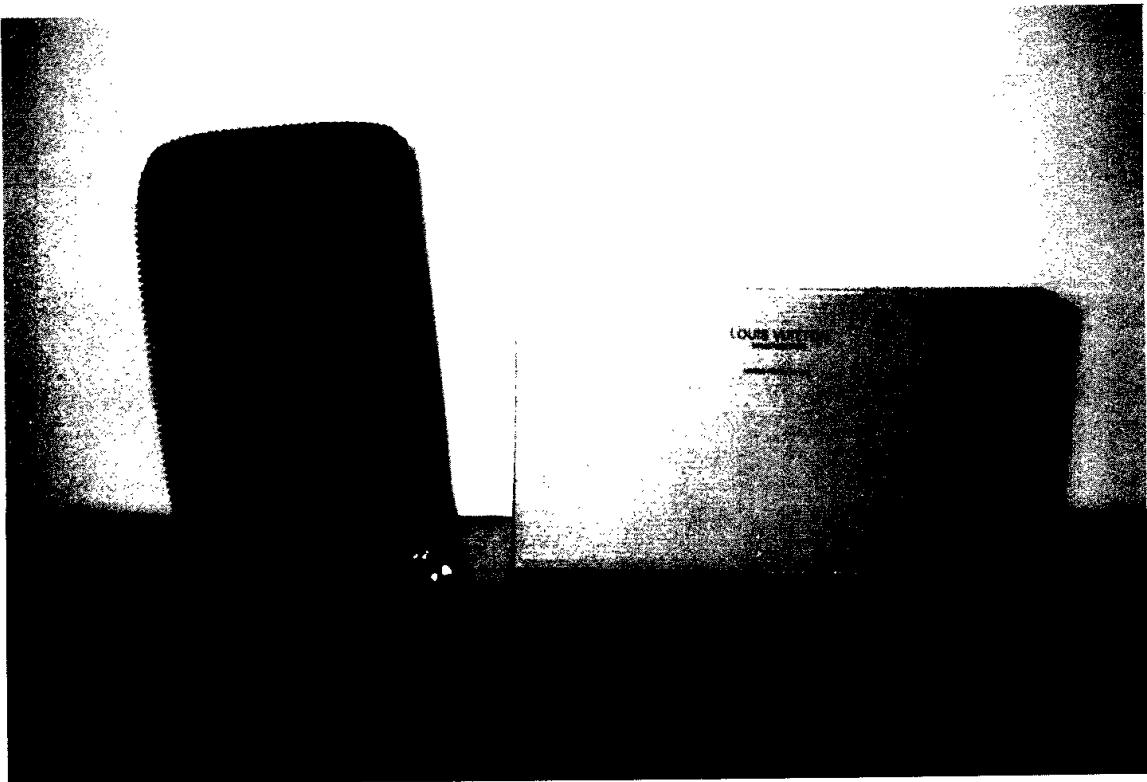
HYON JUNG KIM

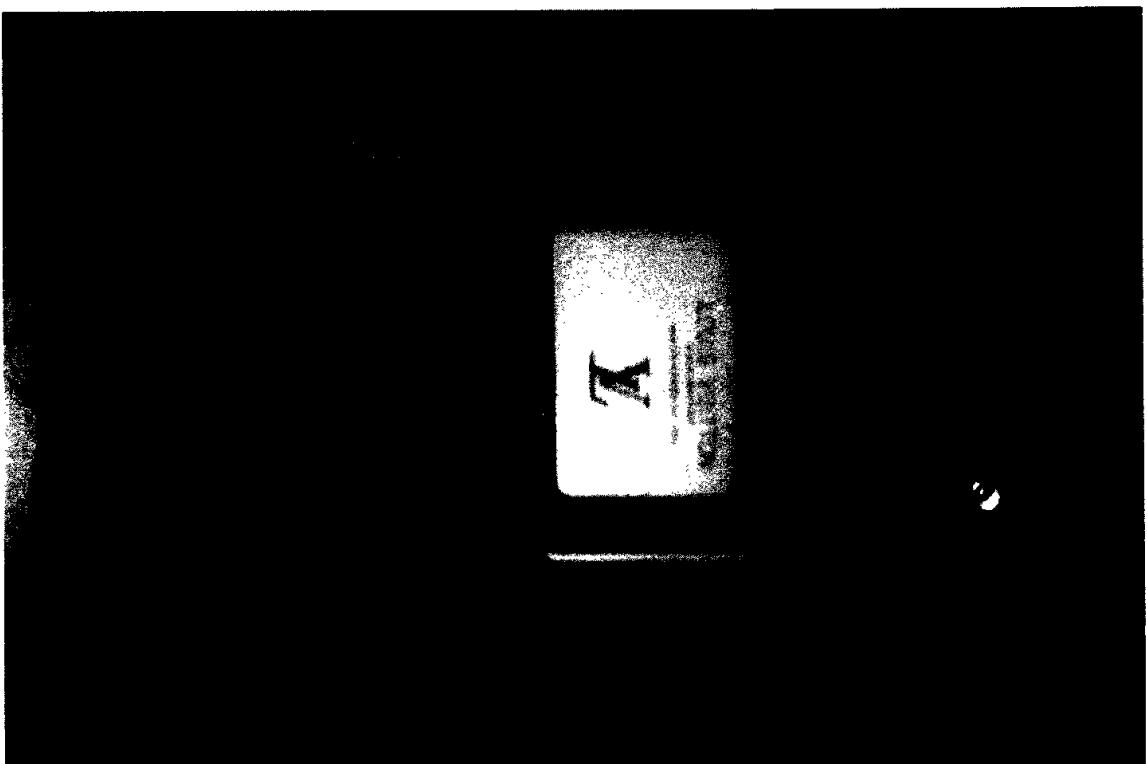
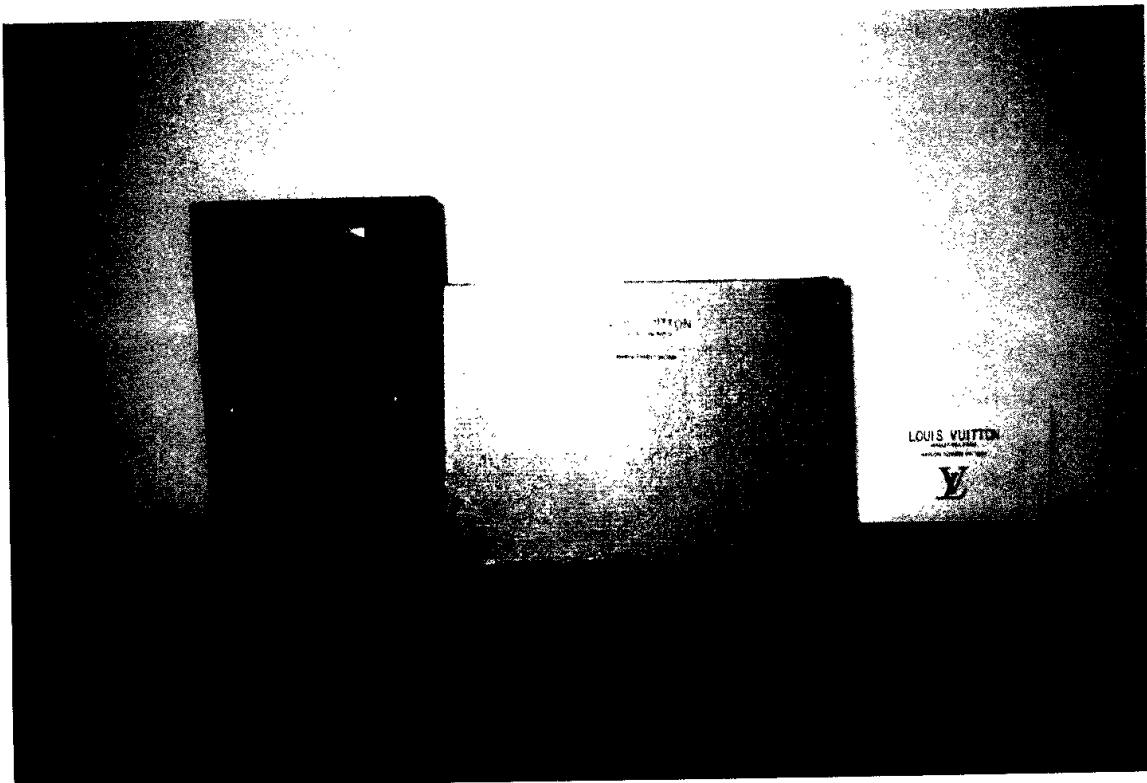
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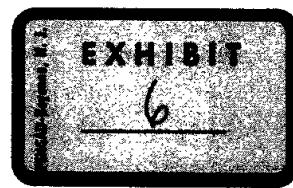
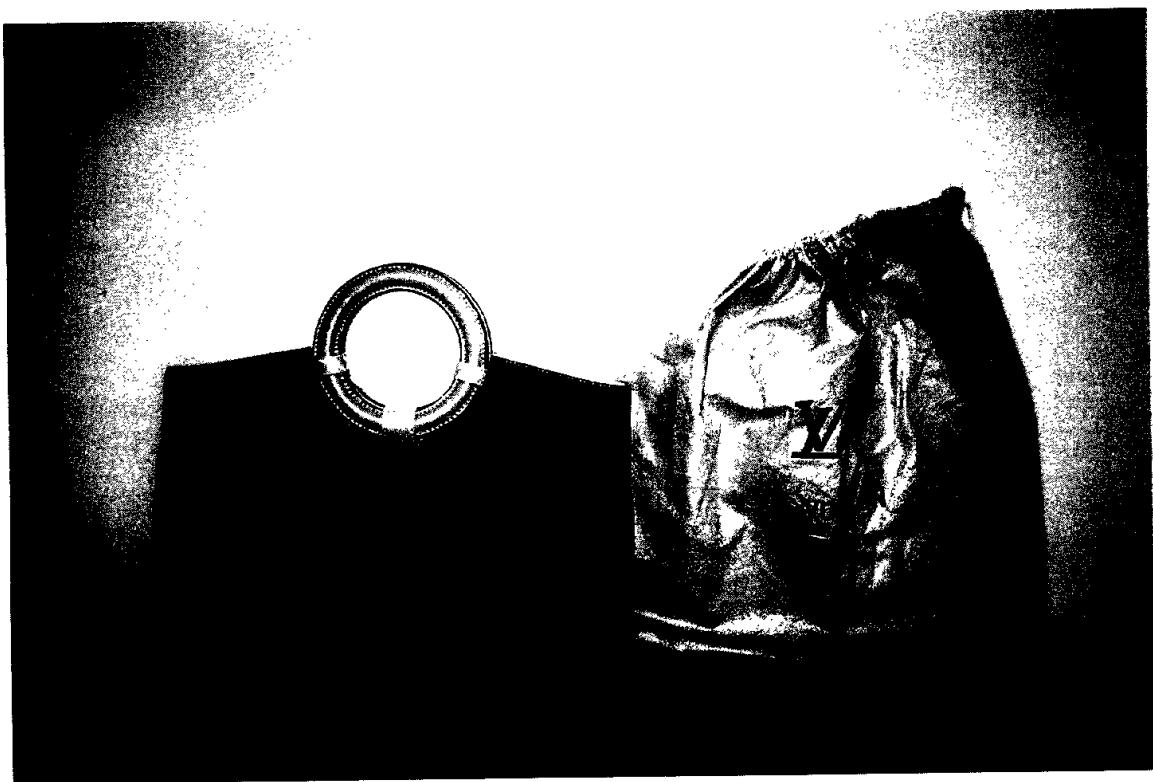










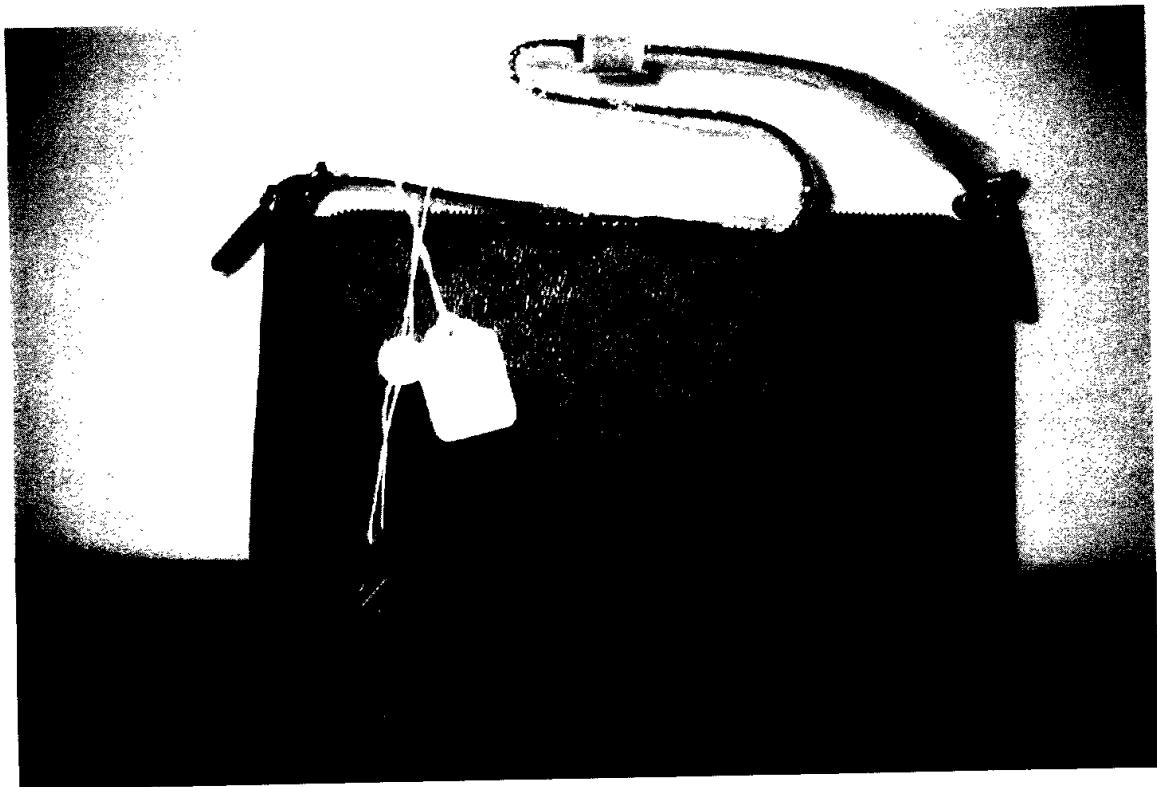


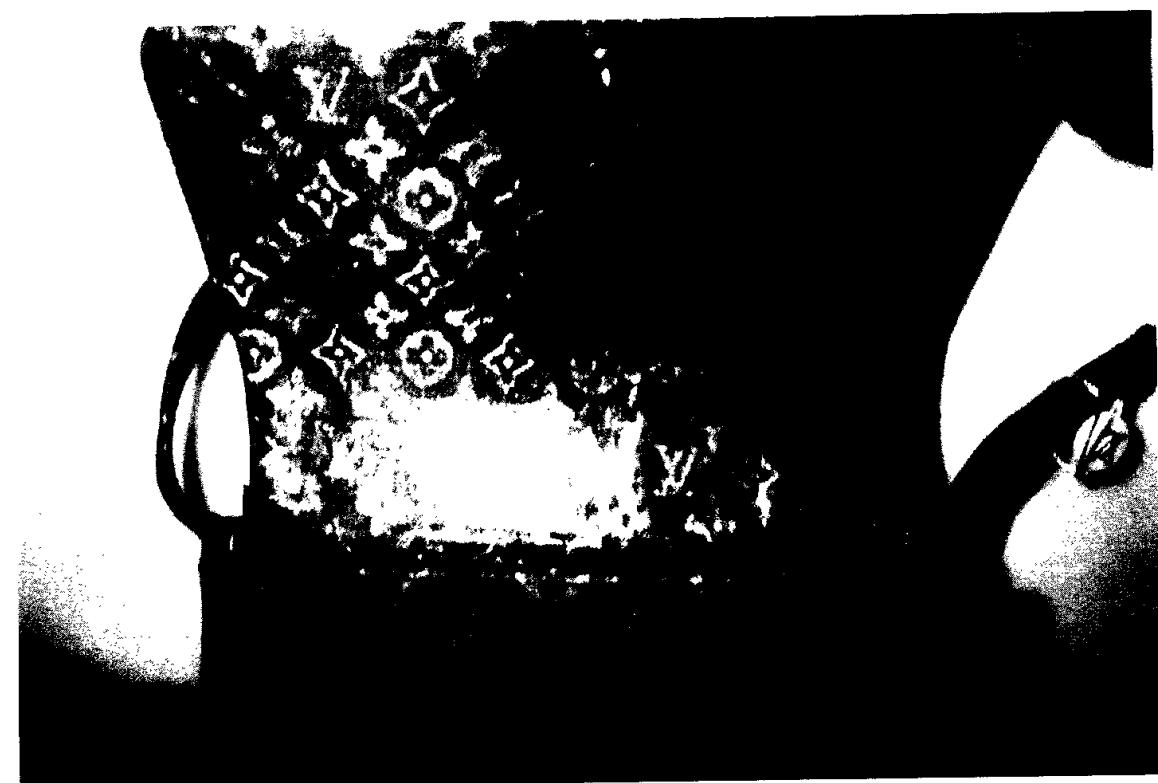
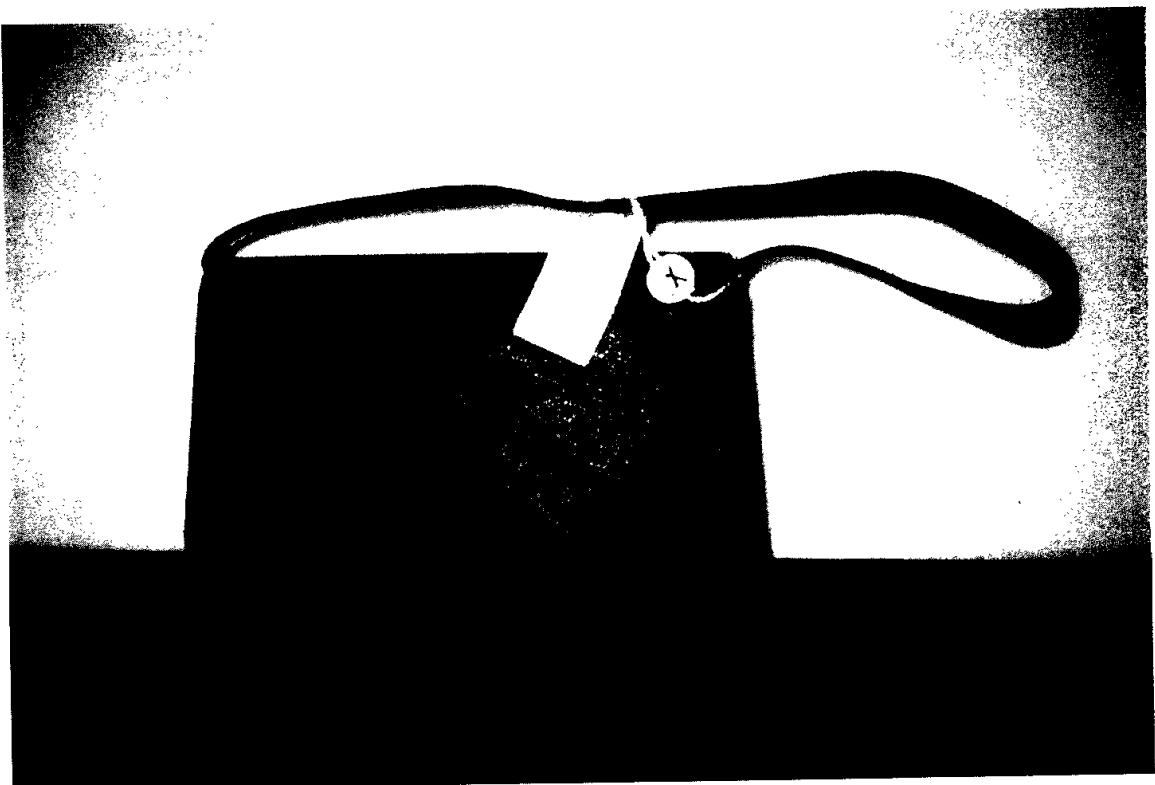


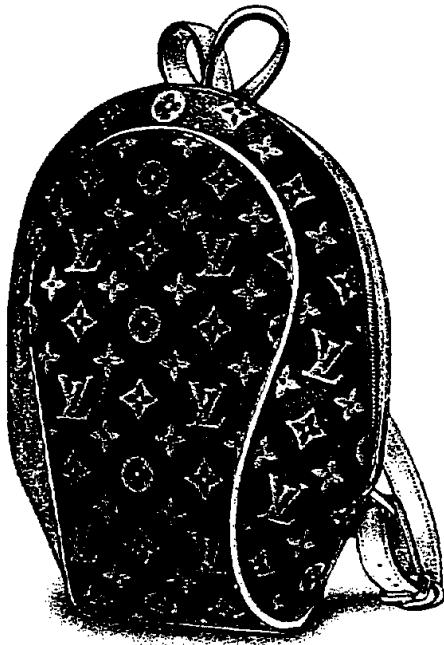
Trotteur

M51240 25 x 13 x 7,5 cm . 9.8" x 5" x 3"









Ellipse sac à dos .....  
Ellipse backpack  
M51125 22 x 30 cm . 8.5" x 12"



